

Serial No.: 09/980,154  
Amendment dated 08 June 2004  
Reply to Office Action mailed 08 March 2004

#### REMARKS

This application has been reconsidered carefully in light of the Office Action dated 08 March 2004. A careful reconsideration of the application by the Examiner in light of the foregoing Amendment and the following remarks is respectfully requested.

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid. No new matter has been added to the application by the above Amendment.

#### Amendments to the Abstract of Disclosure

By the above Amendment, Applicants amended the Abstract of Disclosure because it exceeded 150 words.

#### Amendments to the Claims

By the above Amendment, Applicants amended Claims 1, 2, 4, 5 and 8 to overcome the claims rejections under 35 U.S.C. § 112, as set forth at pages 3-6 of the Office Action.

Claims 1-6 and 8-10 remain in the application.

Serial No.: 09/980,154  
Amendment dated 08 June 2004  
Reply to Office Action mailed 08 March 2004

#### **Allowable Subject Matter**

As a preliminary matter, the Examiner indicated that Claims 1-10 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, as set forth at pages 3-6 of the Office Action.

By the above Amendment, Claims 1, 2, 4, 5 and 8 have been so rewritten. Thus, Claim 1-6 and 8-10 are believed to be in condition for allowance and notification to that effect is solicited.

#### **Objection to the Abstract of the Disclosure**

The Abstract of the Disclosure was object to because it exceeded 150 words. Applicants have amended the Abstract of the Disclosure, so as not to exceed 150 words. Applicants respectfully request withdrawal of this objection.

#### **Information Disclosure Statement**

On 22 February 2002, Applicants submitted a First Information Disclosure Statement indicating that the U.S. Patent and Trademark Office has received and, thus, the National Stage file contains a copy of the International Search Report and copies of the references cited in the International Search Report for the corresponding PCT International Application No. PCT/CR99/00001. Pursuant to MPEP 1893.03(g), Applicants understood that the Examiner would consider the references cited in the International Search Report, without any further action by

Serial No.: 09/980,154  
Amendment dated 08 June 2004  
Reply to Office Action mailed 08 March 2004

Applicants under 37 CFR 1.97 and 1.98. However, the Examiner alleges that the listing of references on the International Search Report is not considered to be an Information Disclosure Statement complying with 37 CFR 1.98. Therefore, the Examiner indicated that the references cited in the International Search Report are not of record and have not been considered.

A Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office was mailed on 08 January 2001, indicating that the U.S. Patent and Trademark Office, as an elected office, received a copy of the International Search Report and a copy of each reference cited in the International Search Report. According to MPEP 1893.03(g), the Examiner will consider the documents cited in the International Search Report, **without any further action by Applicant under 37 CFR 1.97 and 1.98**, when both the International Search Report and copies of the documents are indicated to be present in the National Stage file.

Applicants respectfully request that the references cited in the International Search Report be made of record and considered by the Examiner.

#### **Claims Rejections - 35 U.S.C. § 112**

Claims 1-10 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicants have amended independent Claim 1, accordingly.

Serial No.: 09/980,154  
Amendment dated 08 June 2004  
Reply to Office Action mailed 08 March 2004

Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Applicants have amended Claims 1, 4, 5 and 8, and canceled Claim 7, accordingly.

Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between elements. Applicants have amended independent Claim 1 to require *a secondary purification unit containing a filling material having a grain size distribution of about 2 cm to about 4 cm in diameter.*

Claims 1-10 were rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. Applicants have amended independent Claim 1 to require *a secondary purification unit containing a filling material having a grain size distribution of about 2 cm to about 4 cm in diameter.*

Claims 1-6 and 8-10 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a prefabricated biological depurator, does not reasonably provide enablement for primary purification units other than the one specifically disclosed. Applicants have amended independent Claim 1 to require the primary purification unit to include *a prefabricated biological depurator.* Applicants have canceled Claim 7, accordingly.

Serial No.: 09/980,154  
Amendment dated 08 June 2004  
Reply to Office Action mailed 08 March 2004

Applicants believe that the above Amendment overcomes the rejections of Claims 1-10 under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully request withdrawal of these rejections.

**Conclusion**

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



Kevin D. Erickson  
Registration No. 38,736

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
TEL (847) 490-1400  
FAX (847) 490-1403

SCP-110

15

E/I